

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2719 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

JANARDAN VASANT REDIJ

Versus

BARODA MUNICIPAL CORPORATION

Appearance:

None present for Petitioner

MR PRANAV G DESAI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/11/1999

ORAL JUDGEMENT

1. The petitioner - confirmed employee of the Baroda Municipal Corporation, Baroda filed this petition under Article 226 of the Constitution praying for directions to the respondent to pay all the increments i.e. five increments of salary for the period of service prior to 14.5.1980. He further prays for directions to grant subsequent increments that would accrue accordingly and

also to pay him all the arrears of salary as a result of the revision of pay scale and also owing to granting of increments. Further prayer is made to put the pay-scale of the petitioner in the pay-scale of Rs.425-800 with consequential benefits.

2. It is not in dispute that, after the selection under the order dated 29.5.1974 of the respondent Corporation the petitioner was appointed as Supervisor-Punch Operator on probation. Initially, probation period was of one year which was subsequently extended from time to time. Vide order dated 18.9.1979 the petitioner was confirmed on the post w.e.f. 18.9.1979.

3. The learned counsel for the respondent has failed to show any rule, regulation or any resolution of the respondent - Corporation under which it has decided that, probationer shall not be entitled for the grade increment falls due during the period of probation. There appears to be no such condition of the nature subject to which this appointment was given to the petitioner. From the document - Annexure-C on the record of this Special Civil Application, prima facie, I am satisfied that, this grievance of the petitioner for grade increment falls due during the period of probation is not without merits or substance. Reply to this Special Civil Application has not been filed by the respondent Corporation, I consider it to be appropriate to dispose of this petition with a direction to the Municipal Commissioner, Baroda Municipal Corporation, Baroda to treat this petition as representation of the petitioner and to decide all his claims made therein. In case, claims or any of the claim of the petitioner are/is not acceptable, a reasoned order be passed and the copy of the same be sent to the petitioner by registered post A.D. Where the claims or any of the claim of the petitioner are/is acceptable, he shall be entitled for all the consequential benefits follows as a result of grant thereof. In case of difficulty, liberty is granted to the petitioner for revival of this Special Civil Application by filing a simple note. Rule and the Special Civil Application stand disposed of accordingly with no order as to costs.

(S.K.Keshote,J.)

(pathan)